

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**INGENIO, FILIALE DE  
LOTO-QUEBEC, INC.,**

**Plaintiff,**

**v.**

**GAMELOGIC INC.**

**Defendant.**

**Civil Action No. 04-1532 (KAJ)**

**JOINT CLAIM CONSTRUCTION CHART**

Plaintiff, Ingenio, Filiale de Loto-Quebec, Inc., (“Ingenio”), by counsel and pursuant to the Court’s Scheduling Order and Defendant GameLogic, Inc. (“GameLogic”), by counsel and pursuant to the Court’s Scheduling Order, hereby submit an identification for the Court of the terms and phrases of the claims in issue, along with each party’s proposed construction of the disputed claim language with citations to intrinsic evidence in support of their respective positions. A copy of the patents in issue as well as those portions of the intrinsic record relied upon are attached hereto.

For the Court’s convenience, the parties have agreed to the following claim interpretation set forth below;

<b>Term/Phrase</b>	<b>Agreed Construction</b>
gaming piece	A physical element used with the game, including, but not limited to a paper ticket, plastic piece, token, casino chip simulating a coin, a magnetic storage medium or laser readable medium (e.g., floppy disk or CD-ROM).
gaming piece “including a code”	a gaming piece that stores the code in or on the gaming piece.
code	a system of symbols (as letters or numbers) used to represent assigned and often secret meanings.

The following terms are identified by both parties as needing interpretation:

Term/Phrase	Ingenio's Construction	GameLogic's Construction
code which includes data indicating whether the player wins or loses the lottery game and an amusement game	<p>“Data” means information in numerical form that can be digitally transmitted or processed. “indicates” means to show the way to or the direction of; point out or to show, point or make clear in another way. “a code including data indicating whether the player wins or loses” thus means a system of symbols (e.g., letters and/or numbers) that within it contains data (information in numerical form that can be digitally processed) that points to a win/loss result.</p> <p>Intrinsic Support: ‘082 Patent, 2:9-24; 4:58-61; 9:61-10:2; ‘603 Patent, 12:48-50; 13:38-43; Original Application in ‘082 Patent File History at 22, Exhibit C at IN001451; Office Action of Jan. 31, 1996 in ‘082 Patent File History at 2-3, Exhibit C at IN001409-1410; Amendment of March 25, 1996 in ‘082 Patent File History at 6, Exhibit C at IN001405.</p>	<p>The code includes or stores data. As such, the code is encoded with information. That data states whether the player wins or loses both the lottery game and a distinct amusement game. Thus, the code contains within it encoded data independent of the gaming machine stating whether the player wins or loses both the lottery game and a distinct amusement game.</p> <p>Support: ‘082 patent, col. 11, lns. 1-6; ‘082 patent, col. 2, ln. 54 - col. 3, ln. 3; ‘082 patent, col. 5, lns. 40-42; ‘082 patent, col. 6, lns. 29-30, 55-65; ‘082 patent, col. 10, lns. 12-14; ‘603 patent, col. 3, lns. 39-44; JA Ex. C, at IN001400-16.</p>

Term/Phrase	Ingenio's Construction	GameLogic's Construction
lottery game	<p>A game based on the three basic lottery principles: payment associated with participation in a chance to win; a result based on chance; and a prize awarded to the winner(s).</p> <p>Intrinsic Support: '082 Patent, 1:16-21; 1:25-34; 3:4-15; 4:36-39; 4:40-48; '603 Patent, 11:65-66; Amendment of March 25, 1996 in '082 Patent File History at 2-3, 6, Exhibit C at IN001401-1402, IN001405.</p>	<p>A game based on the three basic lottery principles: participation in a chance to win; a result based on chance; and a prize awarded to the winner(s).</p> <p>Support: '082 patent, col. 10, lns. 66-67; '082 patent, col. 11, lns. 1-6; '082 patent, col. 3, lns. 25-38; '082 patent, col. 3, lns. 41-47; '082 patent, col. 6, lns. 7-17; '603 patent, col. 3, ln. 48-50; JA Ex. C, at IN001392-IN001416, IN001423-74.</p>
amusement game	<p>A game that amuses the player.</p> <p>Intrinsic Support: '082 Patent, 3:22-25; 4:58-61; 5:45-53; '603 Patent, 12:17-18; Amendment of March 25, 1996 in '082 Patent File History at 2-3, 6, Exhibit C at IN001401-1402, IN001405.</p>	<p>A game played purely for player enjoyment, which is used to give the feel of a completely random game of chance, and ends when the player is awarded fictitious award(s).</p> <p>Support: '082 patent, col. 11, lns. 1-6; '082 patent, col. 3, lns. 25-38; '082 patent, col. 3, lns. 41-44; '082 patent, col. 6, lns. 7-17; '603 patent, col. 3, ln. 48-50; JA Ex. C, at IN001392-IN001416, IN001423-74.</p>

Term/Phrase	Ingenio's Construction	GameLogic's Construction
data being unrecognizable to the player, such that the player does not know whether the player will win or lose the game prior to play of the amusement game	<p>The player is not able to recognize from the data whether the player wins or loses the lottery game and amusement game prior to play of the amusement game.</p> <p>Intrinsic Support: '082 Patent, 2:9-24; 2:57-58; 9:61-10:2; '603 Patent, 12:50-52; Original Application in '082 Patent File History at 22, Exhibit C at IN001451; Amendment of March 25, 1996 in '082 Patent File History at 6, Exhibit C at IN001405.</p>	<p>The win/loss data is encoded and encrypted in order to preclude the player from being able to know the outcome of the games prior to play of the amusement game. Thus, the data stating the outcome of the lottery game and an amusement game is put into a code that must be decrypted and decoded.</p> <p>Support: '082 patent, col. 11, lns. 1-6; '082 patent, col. 2, ln. 54 - col. 3, ln. 3; '082 patent, col. 3, lns. 20-21; col. 5, lns. 9-10; col. 5, lns. 40-42; col. 6, lns. 4-6; and col. 9, lns. 61-63; '082 patent, Fig. 1, block 13; Fig. 3, block 25; Fig. 6, block 48; and Fig. 8, block 112.</p>
reading the code by a processor	<p>"Reading the code by a processor" means to receive input of the code (a system of symbols that represent an assigned and secret meaning) from some source. That source may thus include a keyboard, touch screen, mouse, data storage device, a data medium or some other computer program/software source.</p> <p>Intrinsic Support: '603 Patent, 2:20-22; 5:62-65; Original Application in '603 Patent File History at 34, Exhibit D at IN001347.</p>	<p>"Reading the code by a processor" means that the processor actively examines and grasps the meaning of the code.</p> <p>Support: '603 patent, col. 16, ln. 6; '082 patent, col. 11, lns. 7-8; '082 patent, col. 12, lns. 12-13; '603 patent, col. 11, lns. 13-16; '603 patent, col. 12, lns. 1-16.</p>

Term/Phrase	Ingenio's Construction	GameLogic's Construction
"a" processor	<p>one or more processors that operate to perform processing functions on data.</p> <p>Intrinsic Support: '082 Patent, Fig. 6; 5:59-6:19; 6:23-25; Original Application in '082 Patent File History at 22, Exhibit C at IN001451.</p>	<p>Single, multi-purpose device that interprets and executes instructions.</p> <p>Support: '082 patent, col. 4, lns. 53-61; '082 patent, col. 11, lns. 7-14; '082 patent, col. 12, lns. 12-18, lns. 32-37; '082 patent, claims 8, 9, 16, and 17; '603 patent, col. 16, lns. 6-11; '603 patent, claim 17.</p>
processor within a computing device	<p>The processor is a component of a computing device.</p> <p>Intrinsic Support: '082 Patent, Fig. 6; 5:59-6:19; 6:23-25; Original Application in '082 Patent File History at 23, Exhibit C at IN001451.</p>	<p>This phrase is synonymous with "processor in the second element of claim 1. In the alternative, claim 1 is indefinite.</p> <p>Support: '082 patent, col. 4, lns. 53-61; '082 patent, claims 1 and 8; '082 patent, col. 11, lns. 7-15; '082 patent, col. 12, lns. 12-18, lns. 32-37; '082 patent, claims 9, 16, and 17; '603 patent, col. 16, lns. 6-11; '603 patent, claim 17..</p>

Term/Phrase	Ingenio's Construction	GameLogic's Construction
processor within an on-line subscription service	<p>The processor is part of an on-line subscription service (e.g., a processor at AOL).</p> <p>Intrinsic Support: '082 Patent, Fig. 6; 5:59-6:19; 6:23-25; Original Application in '082 Patent File History at 23, Exhibit C at IN001451;.</p>	<p>A "subscription" is an order of future goods or services (e.g., for a periodical for a given time period or for a series of performances). A "subscription" may, in addition, include the purchase of goods or services to be received at the time of order. Thus, this elements refers to a processor that is contained in a device that is a component of a subscription service offered on-line by the provider of the games.</p> <p>Support: '082 patent, col. 4, lns. 53-61; '082 patent, claim 9; '082 patent, col. 11, lns. 7-14; '082 patent, col. 12, lns. 12-18, lns. 32-37; '082 patent, claims 8, 16, and 17; '603 patent, col. 16, lns. 6-11; '603 patent, claim 17.</p>
processor includes a computing device	<p>The processor has a component device that can perform computations.</p> <p>Intrinsic Support: '082 Patent, Fig. 6; 5:59-6:19; 6:23-25; Original Application in '082 Patent File History at 23, Exhibit C at IN001451.</p>	<p>The processor, such as a microchip, contains within it a personal computer. In the alternative, the claim is indefinite.</p> <p>Support: '082 patent, col. 4, lns. 53-61; '082 patent, claim 16; '082 patent, col. 11, lns. 7-14; '082 patent, col. 12, lns. 12-18, lns. 32-37; '082 patent, claims 8, 9, and 17; '603 patent, col. 16, lns. 6-11; '603 patent, claim 17.</p>

Dated: May 1, 2006

/s/ Edmond D. Johnson

Edmond D. Johnson (No. 2257)  
222 Delaware Ave.  
Suite 900  
Wilmington, DE 19801  
(302) 655-5000

/s/ David E. Moore

Richard L. Horwitz (#2246)  
David E. Moore (#3983)  
Hercules Plaza 6<sup>th</sup> Floor  
1313 N. Market Street  
P.O. Box 951  
Wilmington, DE 19899  
(302) 984-6000

Rodger L. Tate  
Brian M. Buroker  
Christopher J. Cuneo  
HUNTON & WILLIAMS LLP  
1900 K Street, N.W.  
Washington, DC 20006-1109  
Telephone: (202) 955-1500  
Facsimile: (202) 778-2201

Gary M. Hnath  
Susan Baker Manning  
Goutam Patnaik  
Timothy Molino  
BINGHAM MCCUTCHEN LLP  
2020 K Street, NW  
Suite 800  
Washington, DC 20036  
Telephone: (202) 373-6000  
Facsimile: (202) 373-6001

Counsel for Plaintiff  
Ingenio, Filiale De Loto-Quebec, Inc.

Counsel for Defendant  
GameLogic, Inc.